

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

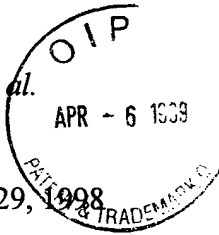
In re application of:

SCHMIDT *et al.*

Appl. No. 09/077,214

102(e) Date: December 29, 1998

For: **Tumor Vaccine and Process for
the Preparation Thereof**



Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 0652.1710000/REF/AJK

#8
D.G.J.
4/19/99

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language document, Document AO1, cited on the accompanying Form PTO-1449:

Document AO1, WO 94/21808, is in the German language. Document AO1 relates to a process for preparing cancer vaccines that includes treating tumor cells or fibroblasts with a complex of immunostimulating polypeptide-coding DNA and of DNA-binding substance, preferably conjugated with transferrine. An English-language abstract appears on the face page of Document AO1.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the

undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date: April 6, 1999

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